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TO SECSTATE WASHDC IMMEDIATE 7087
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C O N F I D E N T I A L KHARTOUM 000695

SIPDIS

SIPDIS FOR DRL, S/WCI, L, AND S/CT

E.O. 12958: DECL: 05/02/2017
TAGS: SU PREL PGOV PHUM PTER ASEC
SUBJECT: FONMIN AKOL LETTER TO THE SECRETARY ON DETAINEES

REF: A. KHARTOUM 2818 (2006)
¶B. KHARTOUM 614

Classified By: Reasons 1.4 (b) & (d), Roberto Powers

¶1. (C) Summary and Action Request: The Government of Sudan
(GOS) delivered May 2 the following letter to the Embassy
regarding the status of its citizens currently held as enemy
combatants at Guantanamo Bay, Cuba on. Post requests
Department's guidance in responding to this letter. Post
underscores that the GOS continues to make the issue of
Guantanamo detainees, particularly those detainees already
approved for transfer, a significant point in the existing
bilateral relationship. End Summary and Action Request.

¶2. (U) (Begin Text)

Excellency,

I trust you are aware that nine Sudanese nationals were
apprehended, some held in detention for longer periods
lasting 5 years, at the US Guantanamo Base prison in Cuba
without charges or trials.

It is evident that, under International Law standards, Human
Rights norms and International Humanitarian Law, the
detention period the Sudanese nationals have spent in
confinement is longer than necessary and unwarranted.

Cases of relevance, which led to a growing nationwide
concern, that I wish to bring to your attention, relates to
the predicament of the following Sudanese detainees, and they
are:

¶1. Adil Hassan Hamad (ISN 940).
¶2. Salim Mohmoud Adam Bin Amir (ISN 716).
¶3. Sami al Haj (ISN 345).
¶4. Walid Mohammed Haj Mohammed Ali (ISN 081).
¶5. Mustapha Ibrahim al Hassan.
¶6. Amir Yagoub Mohammed al Amir.
¶7. Ibrahim Osman Idris Ibrahim.

It is worth mentioning that, detainees Hamad (ISN 940) and
Bin Amir (ISN 716) have not been released despite a
declaration made, specifically in respect of Hamad, by the US
Defense Department on February 22nd, 2007.

Indeed, I have anticipated progress in the detainees case
following the US Defense Department pronouncement marking the
repatriation of an Iraqi citizen, Bisher al Rawi, to the UK
that "The transfer is a demonstration of the United States
desire not to hold detainees any longer than necessary".

No doubt, the detention of these Sudanese nationals has
contributed negatively to the state of relations between the
two countries and earned the US Government, contrary to the
good reputation and respect it had enjoyed years before in
our peoples perception, an overt expression of displeasure
and reproach from the public.

In particular, Mr. al Haj's affiliation to Aljazeera Channel combined with the long lasting hunger strike he staged, has excercerbated the problem attracting international media spotlight on a wider scale via broadcasting daily to millions worldwide. I would like in this context to remind your Excellency of my letter to you dated 4/12/2006.

While the Government of Sudan is urging the immediate release and eventual repatriation of its citizens, it ensures that due process and prosecution will be accorded to the trial of its nationals should proceedings be brought against any before the court of Law. In addition, it will provide the necessary guarantees and legal remedies for a free and fair trial to benefit the defendants including, inter alia, public proceedings, right to counseling, evidence disclosure.. .e.t.c.

Finally, I have noted that Mr. Hamad's attorneys have been consistent in litigating the case and have provided proof of his innocence to US courts. It is therefore imperative that the US Government grant a waiver declaring him a "non-enemy combatant". Such a measure, in my view, would constitute a positive step to speed up efforts leading to his return home concurrently with the visit of his attorneys to Sudan this week.

Sincerely Yours,

//Dr. Lam Akol Ajawan
Minister of Foreign Affairs
Khartoum, Sudan

End Text.

POWERS